

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch III

**AMENDED  
PROPOSED AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON OCTOBER 25, 2011 AT 3:00 P.M. EDT**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, submits this amended proposed agenda for the hearing scheduled for October 25, 2011 at 3:00 p.m. EDT ("Hearing") in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana. The Trustee anticipates that the matters before the Court for the Hearing will take approximately one (1) hour.

**I. DIAL IN INFORMATION**

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key.

**II. CONTINUED MATTER**

1. **Purchase Money Claims Report – reserved funds for resolution**
  - a. Florida objections (Docket Nos. 556 and 670) pertaining to Fund No. 41
  - b. First Bank Objections (Docket Nos. 519, 554, 653, 668 and 669) pertaining to Fund Nos. 13, 54, 76 and 87
  - c. Stockman Oklahoma Livestock Marketing, Inc. (Docket No. 545) pertaining to Fund No. 65
  - d. Joplin Regional Stockyards (Docket Nos. 515, 542 and 553) pertaining to Fund No. 40

- e. Rex Elmore (Docket Nos. 555, 652) pertaining to Fund Nos. 53, 54, and 55
- f. Bluegrass Stockyards of Campbellsville, LLC (Docket Nos. 539 and 651) pertaining to Fund Nos. 11 and 36
- g. Bluegrass Stockyards of Richmond, LLC (Docket Nos. 539 and 651) pertaining to Fund No. 62
- h. Piedmont Livestock Company, Inc. (Docket Nos. 539 and 651) pertaining to Fund No. 59

Status: *Arguments on the Kremlin Issue and the Dispositive Issue (pursuant to the Scheduling Order Regarding Contested Matter Involving Trustee's Purchase Money Claims Report And Objections Filed By SOLM, Crumpler Bros., Kuehny And The Bank Of Kremlin (docket #622))*

### **III. NEW MATTERS**

- 2. **["Motion to Collect Receivable"]** Motion Requesting Entry Of An Order Granting Trustee Authority To 1) Collect Receivable, 2) Hold Receivable Proceeds In Segregated Account Pending Determination Of Rights Therein, 3) Transfer Receivable Proceeds To Operating Account After Such Determination And 4) Continuing Briefing Schedule On The Foregoing (docket #732)

Status: *No objection filed; going forward.*

- 3. **["Discovery Protocols"]** Joint Motion And First Stipulation Regarding Discovery Protocols (docket #738)

Status: *No objection filed; going forward.*

### **IV. ADVERSARY PROCEEDINGS**

- 4. **["Downs"]** James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Willie Downs (Adv. Proc. 11-59086)

Status: *Pretrial conference.*

- 5. **["Superior"]** Superior Livestock Auction, Inc. vs Eastern Livestock Co., LLC (Adv. Proc. 11-59088)

Status: *Request made at September 28, 2011 hearing to establish an Ad Hoc Committee. Motion was to be filed and set for hearing on October 25, 2011.*

6. **["Friona"]** Friona Industries, LP, et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59093)
  - a. Friona Industries L.P.'s First Amended Complaint in the Nature of Interpleader (docket #30)
  - b. J&F Oklahoma Holdings, Inc.'s First Amended Intervention And Complaint in the Nature of Interpleader (docket #33)
  - c. Cactus Growers, Inc.'s First Amended Complaint In Intervention In The Nature Of Interpleader (docket #34)
  - d. Motion Of Superior Livestock Auction, Inc. To Stay Proceedings (docket #170)
    - i. Trustee James Knauer's Response In Opposition To Superior Livestock Auction, Inc.'s Motion To Stay (docket #182)
    - ii. Interpleader Plaintiffs' Joint Reply To Motion To Stay Proceedings And Motion To Consolidate Or Dismiss (docket #183)

Status: Status conference.

7. **["Innovative"]** Innovative Livestock Services, Inc., et al. vs Eastern Livestock Co., LLC, et al. (Adv. Proc. 11-59098)
  - a. Motion Of Superior Livestock Auction, Inc. To Stay Proceedings (docket #25)

Status: Status conference.

8. **["Rush Creek Ranch"]** Rush Creek Ranch, LLLP vs Eastern Livestock Company, LLC, et al. (Adv. Proc. 11-59104)

Status: Status conference.

9. **["Fredin Brothers"]** Fredin Brothers, Inc. vs Bankers Bank, et al. (Adv. Proc. 11-59108)

Status: Status conference.

**V. RELATED CASES**

**In re Thomas and Patsy Gibson 10-93867**

10. **["Motion for 2004 Examination"]** The First Bank and Trust Company's Motion For Examination And Production Of Documents Pursuant To Fed. R. Bankr. P. 2004 (docket #303)

Status: No objection filed; going forward.

**In re East-West Trucking Co., LLC 10-93799**

11. **["Motion to Destroy Records"]** Trustee Michael J. Walro's Motion For Authority To Destroy Debtor's Records (docket #211)
- a. Eastern Livestock Trustee's Objection To Motion For Authority To Destroy Debtor's Records (docket #217)
- b. Agreed Entry Resolving Eastern Livestock Trustee's Objection To Motion For Authority To Destroy Debtor's Records (docket #220)

Status: Order Approving Agreed Entry (docket #224)

12. **["Motion to Pay Priority Claim"]** Trustee's Motion For Authority To Pay Priority Claim Of David Sells (docket #219)
- a. Amended Trustee's Motion For Authority To Pay Priority Claim Of David Sells (docket #222)

Status: No objection filed; going forward.

**VI. NEXT SCHEDULED HEARINGS**

The dial-in telephone number for interested parties to participate in the upcoming scheduled hearings, as indicated below, by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key. The hearings will be held in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana.

<u>Hearing Date</u>	<u>Time</u>
November 15, 2011	1:30 p.m. EST
December 14, 2011	10:00 a.m. EST

Respectfully submitted,

BAKER & DANIELS LLP

By: /s/Terry E. Hall

James M. Carr (#3128-49)  
Terry E. Hall (#22041-49)  
Dustin R. DeNeal (#27535-49)  
300 N. Meridian Street, Suite 2700  
Indianapolis, IN 46204-1782  
Telephone: (317) 237-0300  
Facsimile: (317) 237-1000  
jim.carr@bakerd.com  
terry.hall@bakerd.com  
dustin.deneal@bakerd.com

*Counsel for James A. Knauer, Chapter 11 Trustee*

Wendy W. Ponader (#14633-49)  
Baker & Daniels LLP  
600 East 96th Street, Suite 600  
Indianapolis, IN 46240  
Telephone: (317) 569-9600  
Facsimile: (317) 569-4800  
wendy.ponader@bakerd.com

**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt  
davidabt@mwt.net

C. R. Bowles, Jr  
crb@gdm.com

John Hunt Lovell  
john@lovell-law.net

Mark A. Robinson  
mrobinson@vhlaw.com

Jeffrey R. Erler  
jeffe@bellnunnally.com

Edward M King  
tking@fbtlaw.com

Randall D. LaTour  
rdlatour@vorys.com

John R. Carr, III  
jrciii@acs-law.com

Bret S. Clement  
bclement@acs-law.com

Daniel J. Donnellon  
ddonnellon@ficlaw.com

Stephen A. Weigand  
sweigand@ficlaw.com

John Frederick Massouh  
john.massouh@sprouselaw.com

John W. Ames  
jwa@gdm.com

Robert Hughes Foree  
robertforee@bellsouth.net

Kim Martin Lewis  
kim.lewis@dinslaw.com

Jeremy S Rogers  
Jeremy.Rogers@dinslaw.com

Ivana B. Shallcross  
ibs@gdm.com

Deborah Caruso  
dcaruso@daleeke.com

Meredith R. Thomas  
mthomas@daleeke.com

William Robert Meyer, II  
rmeyer@stites.com

Allen Morris  
amorris@stites.com

Charles R. Wharton  
Charles.R.Warton@usdoj.gov

David L. LeBas  
dlebas@namanhowell.com

Jessica E. Yates  
jyates@swlaw.com

Laura Day Delcotto  
ldelcotto@dlgfir.com

Ross A. Plourde  
ross.plourde@mcafeetaft.com

Todd J. Johnston  
tjohnston@mcjllp.com

Karen L. Lobring  
lobring@msn.com

Elliott D. Levin  
robin@rubin-levin.net  
edl@trustesolutions.com  
Sean T. White  
swhite@hooverhull.com

Michael W. McClain  
mike@kentuckytrial.com

James Edwin McGhee  
mcghee@derbycitylaw.com

Jerald I. Ancel  
jancel@taftlaw.com

David Alan Domina  
dad@dominalaw.com

Jill Zengler Julian  
Jill.Julian@usdoj.gov

Michael Wayne Oyler  
moyler@rwsvlaw.com

James E. Rossow  
jim@rubin-levin.net

James Bryan Johnston  
bjtexas59@hotmail.com

Judy Hamilton Morse  
judy.morse@crowedunlevy.com

John Huffaker  
john.huffaker@sprouselaw.com

Kelly Greene McConnell  
lisahughes@givenspursley.com

Walter Scott Newbern  
wsnewbern@msn.com

Timothy T. Pridmore  
tpridmore@mcjllp.com

Sandra D. Freeburger  
sfreeburger@dsf-atty.com

John M. Rogers  
johnr@rubin-levin.net

Robert H. Foree  
robertforee@bellsouth.net

William E Smith  
wsmith@k-glaw.com

Thomas C Scherer  
tscherer@binghamchale.com

Jeffrey J. Graham  
jgraham@taftlaw.com

Kent A Britt  
kabritt@vorys.com

Jeffrey L Hunter  
jeff.hunter@usdoj.gov

Jason W. Cottrell  
jwc@stuartlaw.com

James B. Lind  
jblind@vorys.com

James T. Young  
james@rubin-levin.net

John M. Thompson  
john.thompson@crowedunlevy.com

Matthew J. Ochs  
matt.ochs@moyewwhite.com

T. Kent Barber  
kbarber@dlgfir.com

Kirk Crutcher  
kcrutcher@mcs-law.com

Theodore A Konstantinopoulos  
ndohbky@jbandr.com

Lisa Koch Bryant  
courtmail@fbhlaw.net

John David Hoover  
jdhoover@hooverhull.com

Sarah Stites Fanzini  
sfanzini@hopperblackwell.com

Susan K. Roberts  
skr@stuartlaw.com

David A. Laird  
david.laird@moyewwhite.com

Trevor L. Earl  
tearl@rwsvlaw.com

Joshua N. Stine  
jnstine@vorys.com

Amelia Martin Adams  
aadams@dlgfir.com

Robert A. Bell  
rabell@vorys.com

Melissa S. Giberson  
msgiberson@vorys.com

I further certify that on October 24, 2011, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher  
asr@blancolaw.com

Darla J. Gabbittas  
darla.gabbittas@moyewwhite.com

/s/ Terry E. Hall